

DEPARTMENT OF HUMAN RESOURCES

3.5 POLICY ON STANDARDS OF CONDUCT

(a) Purpose and Scope

- (1) **Purpose.** The purpose of this policy is to establish standards of conduct to be followed by employees of the Maryland Judicial Branch of Government in the performance of their duties and in their interactions with other Judiciary personnel and the public.
- (2) **Scope**
 - (A) This policy applies to:
 - (i) employees who are paid through the Central Payroll Bureau of the Comptroller; and
 - (ii) employees of the State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Maryland Court of Appeals Standing Committee on Rules of Practice and Procedure.
 - (B) This policy does not apply to:
 - (i) locally funded employees in the Circuit Courts;
 - (ii) employees of the Attorney Grievance Commission and the Client Protection Fund;
 - (iii) employees of the Register of Wills or the Orphans' Court; and
 - (iv) judges, magistrates, and commissioners.

(b) Definitions

- (1) **Administrative Head:**
 - (A) For the Appellate Courts, the Clerk of the Court for all employees under the Clerk's supervision, and the Chief Judge for all other employees, in the appellate court where the employee works;
 - (B) For the Circuit Courts, the Clerk of the Court for all employees under the Clerk's supervision, and the County Administrative Judge for all state employees under his or her supervision;
 - (C) For the District Court, the Chief Judge of the District Court, the Chief Clerk, or an Administrative Clerk or an Administrative Commissioner for all employees under his or her supervision;
 - (D) For the Administrative Office of the Courts (AOC), the State Court Administrator;
 - (E) For units, the head of the unit where the employee works; or,
 - (F) Any person who serves as the authorized designee, by express written designation, of any of the foregoing persons.
- (2) **Employee** – Any person employed by the Maryland Judicial Branch of Government and paid through the Central Payroll Bureau of the Comptroller, or employed by a unit, except judges, elected officials, and employees of a Register of Wills Office.
- (3) **Family Member** – For purposes of this policy, means:
 - (A) Spouse of the employee;
 - (B) Children, foster children, or stepchildren of the employee;
 - (C) Siblings of the employee;
 - (D) Parents, stepparents, or guardians of the employee or spouse, or others in loco parentis;
 - (E) Grandparents or step-grandparents of the employee or spouse; or,
 - (F) Sons-in-law or daughters-in-law of the employee.

- (4) **Judicial Relief** – Any assistance, redress, or benefit which an employee or family member seeks at the hands of a court. This does not include seeking the ministerial assistance of a court in matters where no judgment or discretion is involved, such as marriages and recording of documents.
- (5) **Judiciary Human Resources Department (JHRD)** – The department within the AOC that is responsible for, but not limited to, the following functions for State employees in the Maryland Judiciary: human resources policy development, administration, and interpretation; recruitment; employment and orientation services; employee benefits; position classification and salary administration; and employer-employee relations.
- (6) **Unit** – The State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Maryland Court of Appeals Standing Committee on Rules of Practice and Procedure.
- (7) **Violence** – Includes, but is not limited to:
 - (A) Implied or explicit threats of any kind;
 - (B) Threatening, physically aggressive, or potentially injurious behavior, including but not limited to, intimidation, attempts to instill fear, or causing physical harm to another;
 - (C) Belligerent speech or excessive arguing;
 - (D) Intentionally defacing or sabotaging Judiciary property or equipment, or causing physical damage to Judiciary facilities;
 - (E) Possession of a firearm while on Judiciary property or while conducting Judiciary business, unless authorized to do so in the course of employment; or,
 - (F) Using any object in a threatening manner.

(c) Policy Statement

Every employee of the Maryland Judicial Branch of Government is considered to be an integral part of the administration of justice. Employees are expected to conduct themselves at all times in a manner that garners the public's trust and confidence and generally reflects positively on the Maryland Judiciary.

Employees must not engage in any activities, transactions, or interactions that are incompatible with the impartial, objective, and effective performance of their duties, or that adversely affect the Judiciary's interests or reputation.

These standards are established in order to maintain the highest degree of public confidence in the Judiciary.

(d) Standards of Conduct

- (1) **Contact with the Public.** Employees represent the Judiciary in all of their contacts with the public. The impression they make affects the perception others will have of public service as a whole and the Judiciary in particular. When dealing with the public, an employee is expected to offer courtesy and patience at all times, even when dealing with persons who appear difficult or unreasonable, regardless of the provocation.
- (2) **Contact with Judicial Branch Employees.** Judicial Branch employees are expected to treat each other in the same respectful manner in which they are expected to treat the public, regardless of position.
- (3) **Contact with the Press.** In instances where a member of the press is seeking non-routine information

from the Judiciary, the inquiry should be directed to the Division of Government Relations and Public Affairs. Routine information that may be provided includes basic customer service responses about a court case or court trial, copies of public documents readily available at the courthouse, or an explanation of a court process or procedure. All other media inquiries should be directed to the Division of Government Relations and Public Affairs for assistance.

(4) Discussion of Judiciary Matters

- (A) At no time are employees, while on duty, to indicate to the public either agreement or disagreement with a judicial decision.
- (B) Employees should avoid public or casual discussion of matters before the Judiciary which may cause embarrassment to individuals or reduce public confidence in the impartiality of justice. Specific judicial cases and names of persons before the Judiciary should not be discussed except in the official transaction of Judiciary business.

(5) Gifts, Benefits, and Gratuities. Employees may not, for personal gain or that of a friend, family member or acquaintance, seek or accept, directly or indirectly, any favor, service, gift, or benefit, including money, gratuity, fee, property, loan, promise, or anything else from, or on behalf of, any individual or entity who is doing or seeking to do business with the Judiciary. The acceptance of such gifts or benefits for such purpose is prohibited at all times.

(6) Confidentiality. Please refer to the Policy on Confidentiality.

(7) Financial Interests

- (A) No employee shall have a monetary interest that conflicts with State Ethics Commission regulations. This also applies where the interest is held by the employee's spouse, child, or parent.
- (B) Even if no conflict of interest is determined to exist, employees shall receive no favor or special concession or inducement not customarily available and granted by the state or local government in such a transaction.

(8) Referrals and Legal Advice. Employees, in their official capacity, shall not refer a customer to a particular private attorney or to a specific bail bonds person. With the exception of an employee in one of the Judiciary's self-help centers, employees, in their official capacity, are prohibited from providing legal advice to the public.

(9) Solicitation at the Workplace. The soliciting of alms, money, or contributions, commercial soliciting, the display or distribution of commercial advertising, or collection of private debts, is prohibited in the workplace.

(10) Political Activity. Employees are prohibited from engaging in political activities when:

- (A) The employee is on Judiciary premises. This includes but is not limited to: wearing, displaying, or distributing political buttons, clothing, campaign materials, or political paraphernalia in the workplace, using State time, material, resources, or equipment for political activity purposes, or disclosing or using confidential information obtained on the job for political activity purposes;
- (B) The employee is off Judiciary premises and if he/she is, at the time, engaged in the performance of his/her official duties;
- (C) The activity is a violation of law;
- (D) The employee is wearing a uniform or is in a vehicle that identifies him or her as a Maryland Judicial Branch of Government employee;
- (E) The employee is using his or her official work title or status; or
- (F) The employee holds any outside employment relationship when that employment relationship would impair his or her impartiality or independent judgment.

(11) Use of Influence of Position

- (A) Employees must avoid using or appearing to use the influence of their positions in personal, business, or professional dealings in which they are involved.
- (B) Employees may not perform their official duties in any court case or circumstance before the Judiciary in which they, a family member, friend, or coworker is a party without the prior knowledge and approval of the administrative head.
- (C) Employees shall not use information obtained in the course and scope of employment, including reports, records, files, or contacts with the public, for any purpose other than official business.
- (D) An employee should not permit or authorize use of his or her name, photograph, or official title which identifies the employee as a Maryland Judicial Branch of Government employee, or permit or authorize the name or logo of the Maryland Judiciary or any of its departments, units, or property to be used in connection with testimonials, contributions, or advertisements of any commodity or commercial enterprise without the approval of the State Court Administrator or the Chief Judge of the Court of Appeals.

(12) Promptness. The operation of the Judiciary is dependent upon all employees. It relies on their promptness in reporting for work and in providing their necessary service to the community. The administrative head will determine the work schedules for his or her organization that are best suited to serve the needs of the public. Employees are expected to begin work at their official starting time and to return to work promptly from lunch and breaks.

(13) Judiciary Equipment and Miscellaneous Items.

- (A) Employees are issued the equipment necessary to perform their assigned duties and are liable for the equipment (phones, electronic devices, etc.). Equipment issued to employees is subject to monitoring by the Judiciary, and the information contained within is subject to Public Information Act requests. Employees are expected to take care of the equipment and to report any equipment theft, damage, or malfunctions to their supervisor.
- (B) Employees are provided with miscellaneous items that enable them to perform their duties or are necessary for the employees' comfort and convenience, or otherwise are present in the workplace for the benefit of employees or visitors, such as, but not limited to: clerical items; and kitchen and restroom products. These Judiciary-provided items are not to be removed from the premises for personal use at home or elsewhere.

(14) Reporting Employee Court Appearances, Arrests, and Requests for Judicial Relief. Employees are required to report to the administrative head an arrest, a court appearance, or a request for judicial relief for the employee within the next business day after becoming aware of the arrest, court appearance, or request for judicial relief, or as soon as practicable, but not later than five work days. Employees also must report instances in which they, in the performance of their job duties, are, or may become, directly involved in judicial matters involving a family member.

(15) Workplace Violence

- (A) Employees shall not engage in violence in the workplace. Such conduct places the safety and health of our employees, customers, and the public in jeopardy and will not be tolerated. Employees shall not engage in such conduct in the course of their employment, or while on state property, or while using state resources such as state time, office equipment, mail, email, or other means to commit or threaten to commit an act of violence.
- (B) An administrative head shall investigate all complaints or instances of violence in the workplace and take appropriate disciplinary action if warranted.

(16) Personal Appearance

- (A) Employees of the Maryland Judicial Branch are expected to maintain standards of personal grooming and present a clean, neat, professional appearance at all times. Based on job function, employees may be required to wear uniforms.
- (B) Employees should not wear clothing that is dirty, torn, faded, stained, frayed, or otherwise unacceptable in a professional office environment. In addition, an employee should not wear clothing or other accessories or display tattoos and body art containing wording or images that may be offensive or call into question the employee's impartiality in the administration of justice. Body piercings, except earrings and nose studs, must be covered during working hours. Employees shall not exhibit extreme or unnatural hair colors, whether in whole, highlights, or streaks, such as, but not limited to: blue; green; orange; pink; purple; or any derivative colors in the same family of hues; or unnaturally bright or florescent colors of any shade.
- (C) An administrative head may enforce the standards for professional appearance established within this subsection, as well as those he or she determines are appropriate for the workplace.

(17) Unauthorized Recording of a Conversation or Meeting

In Maryland, recording a conversation between parties without the prior consent of the parties involved is a violation of the Courts and Judicial Proceedings Article, §10-402(b). Any person who violates this law is guilty of a felony and is subject to imprisonment for not more than 5 years or a fine of not more than \$10,000, or both. Therefore, employees are prohibited from recording conversations or meetings in the workplace without the consent of all parties involved. An employee is subject to the termination of employment for a violation of this section.

(18) Authority of Judiciary Special Police Officers/Bailiffs

Judiciary employees are expected to follow the directions, instructions, and orders given by Judiciary Special Police Officers (SPOs) and Bailiffs while in Judiciary buildings or on Judiciary property.

(e) Fitness for Duty Evaluations

When it is suspected that an employee's conduct, behavior, or performance constitutes a safety concern or hazard to individuals or property, or may prevent the employee from performing the essential job functions of the position, the employee may be required to submit to a medical evaluation to determine the employee's fitness for duty. The evaluation may be conducted by the State Medical Director or any other evaluator of the Judiciary's choosing. Such an evaluation will be coordinated with the JHRD.

(f) Employee Responsibilities

Employees must report to the administrative head any known or suspected job-related illegal activity committed by an employee during the course of employment. If the individual suspected of job-related illegal activity is the administrative head, then the employee shall report the suspected activity to the Director of the JHRD.

(g) Management Responsibilities

- (1) Supervisors, managers, and administrative heads are expected to abide by the provisions of this policy, to impose appropriate disciplinary actions for violations of this policy, and to enforce its provisions fairly and with diligence.

- (2) An administrative head must report to the Director of the JHRD, or designee, any suspected job-related illegal activity committed by an employee.

(h) Failure to Comply

Failure by an employee to comply with the provisions of this policy may lead to disciplinary action, up to and including the termination of employment, pursuant to the Policy on Disciplinary Actions.

(i) Exceptions

The Chief Judge of the Court of Appeals or the State Court Administrator may make exceptions to any provision of this policy.

(j) Interpretive Authority

The JHRD is responsible for the interpretation of this policy.

(k) Not a Contract

This policy does not constitute or create an express or implied contract. It is not intended to, and does not, create contractual obligations with respect to any matter it covers.